

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CIRCUITO CERRADO, INC.,

Plaintiff,

MEMORANDUM & ORDER
10-CV-3338(JS)(AKT)

-against-

MORGALO CORP. d/b/a EL PATIO CAFÉ,
CAYETANO MORAN and IRNALDO GALO,

Defendants.

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APPEARANCES

For Plaintiff: Paul J. Hooten, Esq.
Paul J. Hooten & Associates
5505 Nesconset Highway, Suite 203
Mt. Sinai, NY 11766

For Defendants: No appearances.

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge A. Kathleen Tomlinson's Report and Recommendation ("R&R"), issued on July 29, 2011. For the following reasons, the Court ADOPTS this R&R in its entirety.

BACKGROUND

Plaintiff Circuito Cerrado, Inc. commenced this action on July 21, 2010 against Defendants Morgalo Corp. d/b/a El Patio Café ("Morgalo"), Cayetano Moran ("Moran") and Irnaldo Galo ("Galo," collectively "Defendants") alleging violations of the Federal Communications Act. Defendants did not answer the Complaint or otherwise appear in this action. On October 20,

2010, Plaintiff moved for a default judgment. On November 9, 2010, the Court referred Plaintiff's motion to Judge Tomlinson.

On July 29, 2011, Judge Tomlinson issued an R&R recommending that the claims against individual Defendants Moran and Galo be dismissed and that default judgment be entered against Defendant Morgalo in the amount of \$15,736.00, broken down as follows: (1) \$3,846.50 in statutory damages; (2) \$11,539.50 in enhanced damages; and (3) \$350.00 in costs. Judge Tomlinson did not recommend awarding pre-judgment interest.

No party has objected to any portion of Judge Tomlinson's R&R.

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Here, no party objected to Judge Tomlinson's R&R. And the Court finds her R&R to be correct, comprehensive, well-reasoned and free of any clear error. Accordingly, the Court ADOPTS it in its entirety.

CONCLUSION

Judge Tomlinson's R&R is ADOPTED in its entirety. All claims against Defendants Moran and Galo are DISMISSED, and Plaintiff is awarded a default judgment against Defendant Moralo in the amount of \$15,736.00.

The Clerk of the Court is directed to enter a Judgment consistent with this Order.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 2, 2011
Central Islip, New York